

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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STELLA LUSHAJ,

Plaintiff,

-v-

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.
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USDC SDNY
DOCUMENT
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DATE FILED: 6/3/2021

18 **CIVIL** 6751 (KMK)(AEK)

JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Stipulation and Order dated June 3, 2021, that this action be, and hereby is, remanded to the Commissioner of Social Security, pursuant to sentence four of 42 U.S.C. § 405(g), in connection with the Supreme Court's decision in Carr v. Saul, 141 S. Ct. 1352 (2021), in which the Court held that a claimant need not raise an Appointments Clause claim before the Social Security Administration, but may instead present it for the first time in federal court. On remand, the case will be assigned to a different administrative law judge ("ALJ") to further evaluate plaintiff's claims, plaintiff will be offered the opportunity for a hearing, and the ALJ will issue a new decision. See Shalala v. Schaefer, 509 U.S. 292 (1993). Each party will bear its own attorneys' fees, costs, and expenses.

Dated: New York, New York
June 3, 2021

RUBY J. KRAJICK

Clerk of Court

BY:

Rmango

Deputy Clerk